

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 3:11-CR-8-WKW
)	[WO]
DAMIEN MICHAEL PIERCE)	

ORDER

Before the court is Defendant Damien Michael Pierce's *pro se* motion for compassionate release (Doc. # 669), in which Mr. Pierce seeks to modify an imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). The motion is due to be denied.

Mr. Pierce was convicted after a jury trial on the following charges: (1) conspiracy and aiding and abetting the possession of firearms in furtherance of crimes of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii)–(iii), 924(c)(1)(C)(i), and 924(o), 2 (Count One); (2) aiding and abetting carjacking, in violation of 18 U.S.C. §§ 2119, 2 (Count Four); and (3) aiding and abetting the brandishing and discharging of a firearm in furtherance of a crime of violence (the carjacking in Count Four), in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii)–(iii), 924(c)(1)(C)(i), and 2 (Count Five). (*See* Doc. # 65 (Superseding Indictment); Doc. # 432 (Judgment).) As a result of his convictions, on September 18, 2012, Mr. Pierce was sentenced to 288 months' imprisonment. (Doc. # 94.) Mr. Pierce's projected

release date is December 25, 2031. *See* <https://www.bop.gov/inmateloc/> (last visited Nov. 20, 2020).

Based upon a thorough review of the record, Mr. Pierce has not shown grounds for compassionate release. First, he has not established “extraordinary and compelling reasons” warranting his early release from prison. 18 U.S.C. § 3582(c)(1)(A). Second, he has failed to demonstrate that he “is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g).” U.S.S.G. § 1B1.13. Third, he has not shown that the medical staff at his designated federal correctional institution is unable to provide him adequate medical care for his alleged health conditions. *See* 18 U.S.C. § 3553(a)(2)(D); *see also United States v. Sanchez*, No. 2:17CR337-MHT, 2020 WL 3013515, at *1 (M.D. Ala. June 4, 2020) (denying an inmate’s motion for compassionate release in part based on the absence of evidence “that the prison is unable to meet [the inmate’s] medical needs” (citing § 3553(a)(2)(D))). Fourth, the balancing of the § 3553(a) factors does not favor release.

Accordingly, it is ORDERED that Mr. Pierce’s *pro se* motion for compassionate release (Doc. # 669) is DENIED.

DONE this 23rd day of November, 2020.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE